

REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-20 and 22 were pending in the application. In an Amendment dated November 14, 2003, Applicants attempted to add claims 23 and 24 and provided payment for adding these claims. The Office did not enter these claims in an Advisory Action. With this Amendment, Applicants are presenting these claims again, but no fee is believed due with their re-submittal. Support is found at least at page 14, lines 8-31 of the specification, and no new matter is added.

Claims 1-20 and 22-24 remain for consideration by the Examiner.

Rejections Under 35 U.S.C. § 102

In the Office Action, claims 1-3 were rejected under 35 U.S.C. §102(a) as being anticipated by Hendren et al. (International Publication Number: WO 00/51031. Reconsideration and withdrawal of this rejection is respectfully requested in view of the Declaration Under 37 C.F.R. § 1.131 provided with this Amendment.

The Declaration shows completion of the invention of claims 1-3 prior to the effective date of Hendren et al., i.e., prior to August 31, 2000. As a result, the Hendren et al. reference is overcome, and the 102(a) rejection of claims 1-3 is improper.

Rejections Under 35 U.S.C. § 103

Additionally, in the Office Action, claims 4-5 and 14-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hendren et al. As with claims 1-3, the attached Declaration shows actual reduction to practice of the invention of claims 4-5 and 14-17 prior to the effective date of the Hendren et al. reference, and because this reference is overcome, the rejection should be withdrawn.

The Office Action further rejected claims 6-13, 18-20, and 22 under 103(a) as being unpatentable over Hendren et al. in view of Copperman et al. (U.S. Patent No. 6,711,585). Again, the Declaration overcomes the Hendren et al. reference, and the rejection under 103(a) of claims 6-13, 18-20, and 22 should be withdrawn. Further, Copperman et al. by itself does not teach or even suggest the claimed invention.

Conclusions

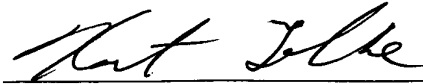
In view of the above, the pending claims are believed in condition for allowance.

No fee is believed due with this Amendment, but any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

It is respectfully requested that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Date 7/19/04



Kent Lembke, Reg. No. 44,866
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
Telephone: (720) 406-5378
Fax: (720) 406-5301

Attachment: Declaration Under 37 C.F.R. § 1.131 with exhibits